

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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**LILIYA PILIPENKO and BORIS
VOLCHKIN, individually, and as
administrators of the estate of
DENIS VOLCHKIN,**

- against -

CITY OF NEW YORK, et al.,

Defendant.

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GERSHON, United States District Judge:

On July 5, 2017, plaintiffs submitted an application seeking approval pursuant to New York State Estates, Powers and Trusts Law § 5-4.6(a) of their settlement with defendants and also for approval of their attorneys' fees pursuant to a contingency fee agreement for one-third of the sum recovered.

Defendants City of New York and various N.Y.C. police officers have agreed to pay plaintiffs \$435,000 in full satisfaction of all claims, including costs, expenses, and attorneys' fees, with \$207,500 paid each to Ms. Liliya Pilipenko and Mr. Boris Volchkin, individually and as administrators of the estate of Denis Volchkin, and \$20,000 to the estate of Denis Volchkin. I have reviewed the underlying proceedings and conferred with Magistrate Judge Kuo, who conducted three settlement conferences with the parties. Magistrate Judge Kuo has expressed confidence that the compromise reached by the parties is fair and reasonable under the circumstances. I, therefore, find that the compromise is "adequate" as required by § 5-4.6(a).

With respect to plaintiffs' counsel's fees, the time sheets of the various lawyers involved reflect the significant amount of work expended in achieving the settlement reached. I see no reason not to allow them to receive the agreed upon one-third contingency fee in this wrongful

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ORDER
15-cv-6053 (NG)

death action as fair and reasonable. *See Estate of Marshall v. City of New York*, 2012 WL 2320764, at *1 (E.D.N.Y. June 19, 2012) (citing 22 N.Y. Comp. Codes R. & Regs. Tit. 22 § 691.20(e)(1), (2)(v)).

In sum, I will sign the stipulation of dismissal submitted for my approval.

SO ORDERED.

s/ Nina Gershon

NINA GERSHON
United States District Judge

Dated: July 20, 2017
Brooklyn, New York